

Exhibit 7

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE)
ANTITRUST LITIGATION)
) No. 11-CV-2509-LHK
THIS DOCUMENT RELATES TO:)
ALL ACTIONS.)

VIDEO DEPOSITION OF ELIZABETH BECKER, Ph.D.

December 10, 2013

Reported by: Anne Torreano, CSR No. 10520

02:53:28 1 two periods?

02:53:29 2 MR. KIERNAN: Object to form.

02:53:31 3 THE WITNESS: Well, there are actually two
02:53:35 4 ways to interpret Exhibit A-12.

02:53:38 5 One is what's shown on those lines, which
02:53:42 6 is just the weighted average base salary of all of
02:53:46 7 the employees that were in any of those selected
02:53:50 8 grades in any one of those years.

02:53:53 9 So essentially it just takes all of the
02:53:56 10 charts like a -- you know, the -- what we call the
02:54:01 11 box charts. It just takes all those box charts and
02:54:05 12 takes the averages of them.

02:54:06 13 The other footnote is a different way of
02:54:08 14 looking at it, that the average growth rate of the
02:54:11 15 average base salary which, instead of measuring the
02:54:16 16 average base salary of the individuals, it takes the
02:54:20 17 average salary of each of those boxes and compares
02:54:22 18 them, which is a slightly different way of looking
02:54:25 19 at it.

02:54:26 20 So if you look at it that slightly
02:54:28 21 different way, then you would be able to say that
02:54:30 22 you were accounting for the place that the employee
02:54:35 23 was within the structure. So it would be within the
02:54:38 24 grades at Intel and Apple and within the job codes
02:54:44 25 which have their own salary ranges at Adobe.

02:54:48 1 And so the second way that's really just
02:54:49 2 referenced in the footnote to Exhibit A-12 I think
02:54:54 3 you could say has a control for where the person is
02:55:00 4 in the compensation -- in the compensation
02:55:02 5 structure, and the way that is presented in the line
02:55:07 6 does not -- I would say doesn't have a control.
02:55:10 7 It's just a simple average.

02:55:11 8 BY MS. DERMODY:

02:55:11 9 Q. Well, isn't it true that if wages are
02:55:14 10 suppressed, hypothetically, that there can still be
02:55:18 11 a period of suppression where wages are going up
02:55:21 12 that is greater wage growth in a period where
02:55:25 13 there's no suppression but wages are stagnant or
02:55:27 14 going down or going up at a lower rate?

02:55:30 15 A. Well, I think that's --

02:55:30 16 MR. KIERNAN: Object to form.

02:55:30 17 THE WITNESS: I think that's what I was
02:55:33 18 trying to explain in my original answer, is that
02:55:37 19 when I use the word "suppression," I'm not trying to
02:55:40 20 represent this as a damages computation or anything
02:55:45 21 beyond a just simple description of they didn't go
02:55:50 22 down and they didn't go up slower. They went up
02:55:54 23 faster.

02:55:54 24 That's all I'm saying, is that I'm using
02:55:56 25 the word "suppression" only in that descriptive

02:56:00 1 sense that's linked to the rest of the language in
02:56:03 2 that paragraph, that they did go up faster measured
02:56:06 3 in these two different ways.

02:56:07 4 BY MS. DERMODY:

02:56:07 5 Q. And there is no control group outside of
02:56:12 6 these employees, say, software engineers in Silicon
02:56:15 7 Valley or any other measurement, firm profitability,
02:56:18 8 that you looked at to see whether there was a
02:56:20 9 relationship between the conduct period and the
02:56:23 10 nonconduct period?

02:56:25 11 A. No, it's just the two different ways I've
02:56:27 12 explained. One is a simple average of people who
02:56:30 13 were in any one of those components of the
02:56:35 14 structures at Intel, Apple and Adobe, and one that
02:56:38 15 actually accounts for where people were within the
02:56:42 16 structure.

02:56:42 17 So to the extent there's any control at
02:56:44 18 all, the only control is where they sat within
02:56:47 19 the -- you know, where the -- where the people were
02:56:49 20 within the structure at any one of those three
02:56:53 21 organizations.

02:56:53 22 And this is conducted for -- I think at
02:56:58 23 other places in the report I've sort of added up the
02:57:02 24 number of people that are encompassed in these
02:57:05 25 grade-by-grade analyses that I've done. And so the

02:57:08 1 70 percent is roughly the number that were in those
02:57:12 2 grades. In a year-over-year percent changes a
02:57:14 3 little bit from one year to another as the
02:57:16 4 employee -- the number of employees in each of those
02:57:19 5 components of the various structures changes over
02:57:21 6 time.

02:57:23 7 So "suppression" means literally a
02:57:29 8 description of what's on the beginning part of the
02:57:34 9 paragraph 80.

02:57:35 10 Q. Okay. If you wanted to understand whether
02:57:41 11 there was actual suppression of a group during a
02:57:44 12 period, what would be the -- what things might you
02:57:46 13 want to look at in terms of a control group to
02:57:49 14 compare them to?

02:57:51 15 MR. KIERNAN: Object to form.

02:57:52 16 THE WITNESS: Well, I think that would be a
02:57:58 17 question that would require a lot of thought. It's
02:58:05 18 not what I was asked to do here. And given what I
02:58:07 19 have understood in evaluating, you know, the
02:58:14 20 background information, the documents, the
02:58:16 21 depositions, the data, the voluminous amount of
02:58:19 22 information that I have reviewed, I think that
02:58:24 23 developing -- you know, developing a model of
02:58:29 24 suppression is not something that I would be willing
02:58:32 25 to do on the fly here in the deposition.

1 REPORTER'S CERTIFICATE

2 I, Anne Torreano, Certified Shorthand
3 Reporter licensed in the State of California,
4 License No. 10520, hereby certify that the deponent
5 was by me first duly sworn, and the foregoing
6 testimony was reported by me and was thereafter
7 transcribed with computer-aided transcription; that
8 the foregoing is a full, complete, and true record
9 of said proceedings.

10 I further certify that I am not of counsel
11 or attorney for either or any of the parties in the
12 foregoing proceeding and caption named or in any way
13 interested in the outcome of the cause in said
14 caption.


15 The dismantling, unsealing, or unbinding of
16 the original transcript will render the reporter's
17 certificates null and void.

18 In witness whereof, I have subscribed my
19 name this 20th day of December, 2013.

20 ☐ Reading and Signing was requested.

21 ☐ Reading and Signing was waived.

22 ☒ Reading and Signing was not requested.

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24 
25 ANNE M. TORREANO, CSR NO. 10520